

Kevin McCulloch

From: Kevin McCulloch
Sent: Wednesday, March 4, 2015 4:33 PM
To: 'Edward Rosenthal'; 'Anna Kadyshevich'; Dan Nelson
Subject: Warren Settlement

Ned

As my email yesterday demonstrated, our settlement negotiations related only to claims involving the photo and uses in suit and not a general release. The emails also show that both parties' valuation of the settlement included only the claims in suit and not any value for a broader general release.

Both parties understood the terms of the release we were negotiating and we reached a clear meeting of the minds to settle for such a release of only the claims in suit for [REDACTED]. Since our negotiation and all discussions of the settlement amount related to the claims in suit only, there is no basis for Wiley to now demand a broader release that was not a term we previously discussed. We also never discussed any ongoing or new license and thus that also was not a part of the agreement we reached.

Please advise by tomorrow whether Wiley will remove these new terms from the settlement agreement. Otherwise, we will file a letter motion with the Court seeking to enforce the settlement and compel Wiley to make payment of the settlement amount.

If Wiley is interested in negotiating separately for an ongoing license or a general release, Mr. Warren is open to such a discussion. I have authority to grant Wiley a general release and a license to use the photo on all publications and products associated with "Five Dysfunctions" for \$[REDACTED].

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